

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

May 21, 2024

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

STERLING AND WILSON SOLAR

SOLUTIONS, INC., a Delaware

Corporation,

Plaintiff,

v.

FIDELITY AND DEPOSIT COMPANY

OF MARYLAND, an Illinois insurance

company, and ZURICH AMERICAN

INSURANCE COMPANY, an Illinois

insurance company,

Defendants.

No. 1:22-CV-03076-SAB

**ORDER DENYING MOTION
FOR SUMMARY JUDGMENT**

Before the Court is Defendants Fidelity & Deposit Company of Maryland and Zurich American Insurance Company's Motion for Summary Judgment, ECF No. 134. Defendants are represented by Paul Friedrich and Allen W. Estes, III. Plaintiff is represented by Ana-Maria Popp, Anna B. Hobson, Howard M. Goodfriend, James P. Wagner, Rochelle Y. Doyea, and Justin T. Scott.

This is the third motion for summary judgment filed by defendants. The previous two motions were denied because (1) Defendants misconstrue the requirements of the contract with Plaintiff and (2) issues of material fact exist

ORDER DENYING MOTION FOR SUMMARY JUDGMENT # 1

1 rendering dispositive motions inappropriate. Upon review, this third motion is
2 denied for the same reasons outlined in ECF Nos. 34 and 139.

3 Additionally, Defendants are prevented from filing any additional
4 dispositive motions unless first requesting and obtaining permission from the
5 Court. Any motion requesting permission should not exceed 5 pages and should
6 outline the reasons why the factual record materially changed in such a way that
7 summary judgment is now warranted.

8 Accordingly, **IT IS HEREBY ORDERED:**

9 1. Defendants Fidelity & Deposit Company of Maryland and Zurich
10 American Insurance Company's Motion for Summary Judgment, ECF No. 134, is
11 **DENIED.**

12 2. As to either party, any future motion requesting permission to file a
13 renewed motion for summary judgment should not exceed 5 pages and should
14 outline the reasons why the factual record materially changed in such a way that
15 summary judgment is now warranted.

16 **IT IS SO ORDERED.** The District Court Clerk is hereby directed to file
17 this Order and provide copies to counsel.

18 **DATED** this 21st day of May 2024.



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A handwritten signature in blue ink, reading "Stanley A. Bastian", is written over a horizontal line.

24 Stanley A. Bastian
25 Chief United States District Judge
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